

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

June 23, 2011

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mrs. Eleanor B. Saslaw, President
Mr. David M. Foster, Vice President
Mrs. Betsy B. Beamer
Dr. Billy K. Cannaday, Jr.

Mr. David L. Johnson
Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin
Mrs. Winsome E. Sears

Dr. Patricia I. Wright, Superintendent of
Public Instruction

Mrs. Saslaw called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mrs. Saslaw asked for a moment of silence, and Mr. Johnson led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Sears noted that a discussion among Board members about head start and how it impacted the Board's goals was not in the May minutes. Mrs. Beamer made a motion to approve the minutes with the addition of the technical edits of the May 19, 2011, meeting of the Board. The motion was seconded by Dr. McLaughlin and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

RECOGNITION

- A Resolution of Recognition was presented to Ms. Victoria Hugate, Chesterfield County Public Schools, Virginia's recipient of the 2010 Presidential Award for Excellence in Mathematics and Science Teaching.
- Mrs. Saslaw recognized graduate students from the Hampton Roads Center of the George Washington University graduate program in Educational Leadership and Administration and also from the College of William and Mary's School of Education. These graduate students

are current classroom teachers in the Hampton Roads area and aspire to become the next generation of school leaders.

- A Resolution of Appreciation was presented to Mr. David Johnson, member of the Virginia Board of Education, July 2003-June 2011.

The Board and audience applauded Mr. Johnson. Board members conveyed their sincere thanks to Mr. Johnson for his service and for his wonderful humor.

On behalf of the Virginia Department of Education, Dr. Wright thanked Mr. Johnson for his dedicated service on the Board. Dr. Wright said she remembers the day Mr. Johnson became a member of the Board and that he has been contributing since that day. Dr. Wright said the Board has accomplished a lot during Mr. Johnson's tenure on the Board and his legacy is entrenched in those accomplishments. Dr. Wright noted that some of those accomplishments are: increased rigor throughout the accountability system, increased rigor of the *Standards of Learning*, enhancements made to the assessments, licensure exams, closing the Virginia School for the Deaf and Blind in Hampton, the renovations made in the Virginia School for the Deaf and Bond at Staunton, the Special Education Regulations, and overhaul of the teacher preparation program. Dr. Wright said Mr. Johnson has chaired the School and Accountability Committee for years and has helped the Board maneuver through some very sticky situations but always in a professional manner. She said Mr. Johnson always reminded the Board that the academic review process is about technical assistance. Dr. Wright said Mr. Johnson has made a significant difference in the lives of children in the Commonwealth and thanked him for his friendship and his service on the Board.

PUBLIC COMMENT

The following persons spoke during public comment:

Crystal Shin
David Anderson

CONSENT AGENDA

The motion was made by Mrs. Beamer, seconded by Mr. Krupicka and carried unanimously for approval of the consent agenda.

- Final Review of a Request for Approval of an Alternative Accreditation Plan from Albemarle County Public Schools for the Albemarle County Community Public Charter School
- Final Review of a Request for Continuation of Alternative Accreditation Plans from Fairfax County Public Schools for the Kilmer and Key Centers
- Final Review of a Request for Approval of Alternative Accreditation Plans from Fairfax County Public Schools for Mountain View High School, Woodson Adult High School, and Bryant Alternative High School

Final Review of a Request for Approval of an Alternative Accreditation Plan from Albemarle County Public Schools for the Albemarle County Community Public Charter School

The Superintendent of Public Instruction's recommendation for approval of the request for an alternative accreditation plan from Albemarle County Public Schools for the Albemarle County Community Public Charter School for the accreditation cycle beginning in September 2011 through September 2013 was accepted by the Board of Education's vote on the consent agenda.

Final Review of a Request for Continuation of Alternative Accreditation Plans from Fairfax County Public Schools for the Kilmer and Key Centers

The Superintendent of Public Instruction's recommendation to approve the request for continued alternative accreditation plans from Fairfax County Public Schools for Kilmer and Key Centers for the accreditation cycle beginning in September 2011 through September 2013 was accepted by the Board of Education's vote on the consent agenda.

Final Review of a Request for Approval of Alternative Accreditation Plans from Fairfax County Public Schools for Mountain View High School, Woodson Adult High School, and Bryant Alternative High School

The Superintendent of Public Instruction's recommendation to approve the request for alternative accreditation plans from Fairfax County Public Schools for Mountain View High School, Woodson Adult High School, and Bryant Alternative High School for the accreditation cycle beginning in September 2011 through September 2013 was accepted by the Board of Education's vote on the consent agenda.

ACTION/DISCUSSION: BOARD OF EDUCATION REGULATIONS

Final Review of the Proposed Amendments to the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-5 et seq.) to Conform to HB 1554 and SB 810; HB 1793; and HB 2172 and SB 953 and HB 2494, Passed by the 2011 General Assembly, and HB 566 and SB 630 Passed by the 2010 General Assembly

Mrs. Anne Wescott, assistant superintendent, policy and communications, presented this item. Mrs. Wescott said that the following sections of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* would be amended to comport with the legislation passed by the 2011 General Assembly and signed by the Governor:

1. 8 VAC 20-131-50 B, C, D and E, Requirements for Graduation, pages 12 through 16 - The new requirements for the Standard Diploma and the Advanced Studies Diploma would begin with the 9th-grade class of 2011-2012. The requirements include one standard credit in economics and personal finance. The requirements

- for the Standard Technical Diploma and Advanced Technical Diploma would begin with the 9th-grade class of 2012-2013. This comports with HB 1554 and SB 810.
2. 8 VAC 20-131-50 K, Requirements for Graduation, page 19 – The Board of Education's Seal for Excellence in Civics Education will be awarded to students who earn any of the following diplomas: 1) Modified Standard Diploma; 2) Standard Diploma; 3) Standard Technical Diploma; 4) Advanced Studies Diploma; or 5) Advanced Technical Diploma. This comports with HB 1793.
 3. 8 VAC 20-131-100 B, Instructional Program in Secondary Schools, page 28 – The minimum course offerings for each secondary school are revised to include the addition of one standard credit in economics and personal finance. This comports with HB 1554 and SB 810.
 4. 8 VAC 20-131-140, College and Career Preparation Programs and Opportunities for Postsecondary Credit, page 34 - The requirement for all students, beginning in middle school, to have an Academic and Career Plan would begin in the 2012-2013 academic year. This comports with HB 1554 and SB 810.
 5. 8 VAC 20-131-270 A, School and Community Communications, page 52 – School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed; and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card. This comports with HB 566 and SB 360.
 6. 8 VAC 20-131-280 C, Expectations for School Accountability, page 53 – This language would permit the Board of Education to approve an alternative accreditation plan for any public school. The current regulation permits the Board to approve an alternative accreditation plan for special purpose public schools, such as joint and regional schools, Governor's schools, special education schools, alternative schools, or career and technical schools. This comports with HB 2494.
 7. 8 VAC 20-131-300 A, Application of the Standards, pages 58 and 59 – The current testing pass rate is 75 percent in English for grades three through five, and 70 percent for all other grades and courses. The testing pass rate is 50 percent for science and history and social science for grade three, and 70 percent for all other grades and courses. These rates will remain in effect with ratings awarded in the 2012-2013 school year. For ratings awarded in the 2013-2014 school year and beyond, the increase in the test pass rate needed for full accreditation for all grades will be 75 percent in English and 70 percent in mathematics, science, and history and social science. This comports with HB 1554 and SB 810.
 8. 8 VAC 20-131-325 A, Recognitions and Rewards for School and Division Accountability Performance, page 67 - In order to encourage school divisions to promote student achievement in science, technology, engineering, and mathematics (STEM), the Board shall take into account in its guidelines for the Virginia Index of Performance incentive program, a school division's increase in

enrollments and elective course offerings in these STEM areas. This comports with HB 2172 and SB 953.

9. 8 VAC 20-131-360, Effective Date, page 71 – This amends the effective dates of the new provisions related to graduation and school accreditation. This comports with HB 1554 and SB 810.

During the discussion, Mrs. Sears asked how many schools the Board has approved waivers for accreditation plans. Dr. Wright said that Kathleen Smith will answer Mrs. Sears question when she gives her presentation on the academic review process. Dr. Wright said that all of the schools are in the school improvement or alternative accreditation plan because of student achievement.

Dr. Cannaday made a motion to approve the proposed technical changes to the regulations. The motion was seconded by Mr. Johnson and carried unanimously.

First Review of Proposed Repeal of the Rules Governing Film Circulation from State and Regional Audiovisual Services, 8 VAC 20-300, Under the Fast Track Provisions of the Administrative Process Act

Mrs. Anne Wescott presented this item. Mrs. Wescott said that the purpose of this agenda item is to recommend the repeal of the *Rules Governing Film Circulation from State and Regional Audiovisual Services*, 8 VAC 20-300-10 et seq. Mrs. Wescott said this regulation was adopted in 1980 and is now obsolete and unnecessary. It has two sections, one prescribing eligibility requirements for the general circulation of films, videotapes and audiotapes, slides, transparencies, and filmstrips from state and regional audiovisual service and the other prescribing requirements for ordering these items. This service is no longer provided, making the regulation obsolete.

Mr. Krupicka made a motion to waive first review and approve the proposal to repeal this regulation. The motion was seconded by Mrs. Beamer and carried unanimously.

First Review of Proposed Regulations Governing Nutritional Guidelines for Competitive Foods Sold in the Public Schools

Mr. Kent Dickey, deputy superintendent for finance and operations, presented this item. Mr. Dickey said that Mrs. Catherine Digilio Grimes, director of school nutrition programs, was available to answer technical questions.

Mr. Dickey said that as specified in the third enactment clause of SB 414, the proposed regulations were drafted with the assistance of the Department of Health, the School Nutrition Association of Virginia, the American Heart Association, the American Cancer Society, the Virginia Chapter of the American Academy of Pediatrics, the Virginia Wholesalers and Distributors Association, the Virginia Automatic Merchandising Association, and other stakeholders.

SB 414 requires in the development and implementation of the regulations that:

1. Nutritional guidelines are established for all competitive foods sold to students on school grounds during regular school hours. "Competitive food" means any food, excluding beverages, sold to students on school grounds during regular school hours, that is not part of the school breakfast or school lunch programs. In the school setting, these are typically food items sold to students as à la carte items in the cafeteria, in vending machines, in school stores/snack bars, and through other school activities. SB 414 did not include "beverages" under the definition of "competitive food." In addition, food items served or provided, but not sold, to students, or those sold outside regular school hours or off school grounds are outside the purview of these regulations;
2. As specified in the second enactment clause, the guidelines be based on the Institute of Medicine's (IOM) nutrition standards for competitive foods in schools or the competitive food guidelines established by the Alliance for a Healthier Generation as the initial statewide standard for competitive foods;
3. The guidelines be periodically reviewed by the Board of Education with assistance from the Department of Health to ensure they remain current, science-based, and consistent with any changes to the federal laws or regulations on competitive foods; and
4. As specified in the fifth enactment clause, local school boards adopt the state guidelines as part of their existing local wellness policy to ensure compliance with the provisions of subsection A of Section 22.1-207.4.

Consistent with SB 414 and the core nutrition components in the IOM standards, the proposed regulations set nutritional standards for competitive foods sold to students in the areas of calorie, fat, sugar, sodium content, and foods of minimal nutritional value.

During the discussion, several Board members questioned why the General Assembly excluded beverages from the regulations. Mr. Dickey said that the General Assembly clearly stated their intent in the original regulation that beverages would not be subject to these regulations. Mr. Dickey said that this is a national issue and the General Assembly has spoken for now. Dr. Wright noted that the department is taking the position that the General Assembly has given them to exclude beverages from the regulations. Dr. Wright said the Board may take their own position on this issue.

Mr. Foster suggested that the word "minimum" be inserted in 8VAC20-740-40, Implementation and Compliance, to read as follows: *"Each local school board shall adopt these minimum nutrition guidelines as part of its existing local wellness policy."*

Mrs. Sears said having been a member of the General Assembly and understanding some of the workings of it she knows the General Assembly deems to pass laws that it believes are beneficial for the good of the Commonwealth. Mrs. Sears said she was wondering what arguments the General Assembly heard that would have caused them to exclude beverages from this law considering beverages contain 35 to 50 grams of sugar.

Mrs. Sears asked where this information was posted because she was surprised that there were only two comments. Mrs. Sears asked if it was distributed to the PTA or posted anywhere that the general public would have had access to it. Mr. Dickey said staff registers the Notice of Intended Regulatory Action (NOIRA) material on the official Townhall Web site as required to begin the regulatory process. Mrs. Digilio-Grimes said that the material was also disseminated to key stakeholders groups. Mrs. Sears asked if parents could be made a part of the stakeholders groups. Mrs. Saslaw noted that there is still an opportunity for input during public comment from any interested parties and organizations throughout the NOIRA process. Dr. Wright said that the two comments are the results of filing the NOIRA. Dr. Wright said that the NOIRA process is intended to determine any objections to proceed with drafting regulations. Dr. Wright also noted that the public process begins after the Board puts out a set of regulations.

Dr. Cannaday suggested the Board hold work sessions to include local school boards, advisory councils, PTA representatives, and others to talk to the Board about how they currently function and how they plan to implement the new guidelines passed by the General Assembly. The Board requested staff to report back to the Board on how this can be done. Dr. Wright said that there is an Executive Order with a timeline to get the draft out from the governing body and the implementation will be delayed if the NOIRA process is started over. Mrs. Wescott reviewed the NOIRA process with the Board to inform the members of the amount of time the NOIRA process will take. The Board continued the discussion and decided that July will be too early to have a work session and asked the Superintendent of Public Instruction and Board president to report back to the Board the best time to have the work session.

Mrs. Sears asked about the timeline for the regulation. Mr. Dickey explained the time it took to convene the meeting of stakeholders and the NOIRA process after Board approval. Mrs. Sears also asked about the stakeholders. Mr. Dickey said that Senate Bill 414 determines the stakeholders groups consulted during the drafting process.

Mr. Foster asked what would be excluded and allowable under the five standards in the regulations. Mr. Foster asked staff to provide a broader definition for regular school hours. Dr. Cannaday asked staff to include stakeholders who are directly impacted by the guidelines when planning the work session for the Board.

Dr. Cannaday made a motion to accept for first review the proposed regulations and authorize the Department of Education to proceed with the next steps of the regulatory process under the Administrative Process Act, including public comment, and to make any minor technical or typographic changes which will not affect the substance of the proposed regulations. The motion was seconded by Mr. Foster and carried unanimously.

ACTION/DISCUSSION ITEMS

First Review of a Modified Academic Review Process for High Schools

Dr. Kathleen Smith presented this item. Before Dr. Smith began her presentation, she answered a question asked earlier by Mrs. Sears regarding how many alternative accreditation plans the Board currently has. Dr. Smith said the Board has approved eight alternative accreditation plans.

Dr. Smith's presentation included the following:

In February 2009, the Board of Education revised *Regulations Establishing Standards for Accrediting Public Schools in Virginia* to require high schools to meet an annual benchmark for graduation beginning with the 2011-2012 school year, and to create a graduation and completion index for high schools (8 VAC 20-131-280). The graduation and completion index includes weighted points for diploma graduates (100 points), GED recipients (75 points), students not graduating but still in school (70 points), and students earning certificates of program completion (25 points). Schools with a twelfth grade must meet a benchmark of 85 points for a rating of fully accredited. A school may be *Accredited with Warning* in specific academic areas and/or in achievement of the minimum threshold for the graduation and completion index. Until the 2015-2016 school year, a school will be designated *Provisionally Accredited–Graduation Rate* if its eligible students meet Virginia's Standards of Learning pass rates but the school fails to achieve a minimum of 85 points on the graduation and completion index while meeting a lower benchmark (8VAC 20-131-300). For a school to be rated *Provisionally Accredited–Graduation Rate* in school years 2011-2015, the required graduation and completion index will increase by one point each year with a range of 80-84 points.

Further, each school that is *Accredited with Warning* (in specific academic areas and/or in achievement of the minimum threshold for the graduation and completion index) or *Provisionally Accredited–Graduation Rate* must undergo an academic review process and must develop a three-year School Improvement Plan (8VAC 20-131-310).

The proposed modified academic review process may be used as an alternative to the process approved by the Board in 2005, *School-Level Academic Review Process*.

The Department of Education is required to develop academic review guidelines to support schools that are *Accredited with Warning* (in specific academic areas and/or in achievement of the minimum threshold for the graduation and completion index) or *Provisionally Accredited–Graduation Rate* (8VAC 20-131-310). Guidelines are proposed that establish a modified process designed to address graduation and academic issues as well as the required elements of three-year school improvement plans for high schools that are *Accredited with Warning* (in specific academic areas and/or in achievement of the minimum threshold for the graduation and completion index) or *Provisionally Accredited–Graduation Rate*.

In order to address the needs of these schools, the Department of Education proposes the modified academic review process. The Office of School Improvement, the Virginia

Association of Secondary School Principals, the Appalachia Regional Comprehensive Center, the Center on Innovation and Improvement, and the National High School Center have collaboratively developed this proposed process over the past three years.

After Dr. Smith answered questions from Board members, Mr. Krupicka made a motion to accept for first review the proposed modifications to the school-level academic review process guidelines for high schools *Accredited with Warning* (in specific academic areas and/or in achievement of the minimum threshold for the graduation and completion index) or *Provisionally Accredited–Graduation Rate*. The motion was seconded by Dr. McLaughlin and carried unanimously.

First Review of a Proposal to Establish a Governor’s Science, Technology, Engineering and Mathematics (STEM) Academy: Blue Ridge Crossroads Governor’s Academy for Technical Education

Ms. Lolita Hall, director, Office of Career and Technical Education Services, presented this item. Ms. Hall said that the Carroll County Public Schools has submitted a proposal to establish a Governor’s Science, Technology, Engineering, and Mathematics (STEM) Academy. Ms. Hall said that Virginia’s Governor’s STEM academies are programs designed to expand options for the general student population to acquire STEM literacy and other critical skills, knowledge, and credentials that will prepare them for high-demand, high-wage, and high-skill careers.

Ms. Hall introduced Dr. Mark Burnett, director of middle and secondary education, Carroll County Public Schools to the Board. Dr. Burnett provided an overview for implementation of The Governor’s STEM Academy: Blue Ridge Crossroads Governor’s Academy for Technical Education (BRCGATE).

Mr. Burnett said they are a rural community without a lot of industry and what they get they have to generate themselves. Dr. Burnett said they do that through their young people because they are the future of their area.

Following are excerpts from Dr. Burnett’s PowerPoint presentation:

Program Design Concepts

- Increased Dual Credit and Academic Offerings
- Project Based Learning Activities with the Utilization of 21st Century Technology
- Higher Education and Business/Industry partnerships

STEM Education Focus

Science Options

- Biology 101 & 102 Dual Credit
- Chemistry 111 & 112 Dual Credit
- PHY 101, PHY 102 Dual Credit
& Applied Physics

- Biological Application in Agriculture
- Veterinary Science

Technology Options

- Technology Foundations
Computer Control and Automation
- Computer Systems Technology
ITN 107 & 200 Dual Credit
- Database Design and Management
(Oracle) ITD 110, 225, 250 & 256 Dual Credit
- Computer Networking Hardware Operations (CISCO)
ITN 154, 155, 156, & 157 Dual Credit
- Biotechnology Foundations
- Biotechnology Applications in Agriculture

Engineering Options

- Drafting/ Engineering Graphics
DRF 151 & 152 Dual Credit
- Electronics Technology
ETR 113, 114, 156 & 160 Dual Credit
- Building Trades
BLD 105, 110, 111, 112, & 195
ELE 110 & 115 Dual Credit
- Agriculture Power Systems
Agriculture/Fabrication and Emerging Technologies
- Introduction to Engineering Design, Principles of Engineering
EGR 120 & 123 Dual Credit

Mathematics Options

- Algebra for all 8th-grade students
- Algebra, Functions and Data Analysis
- College Pre-Calculus MTH 163 Dual Credit
- College Calculus MTH 271 & 272 Dual Credit
- Computer Mathematics ITP112 Dual Credit
- Statistics MTH 241 & 242 Dual Credit

CTE Pathways

The proposed academy targets three pathways in three career clusters. The first pathway, Engineering and Technology in the Stem Cluster, will be new to the course offerings at each of the participating secondary schools. Students enrolled in the pathway will be actively involved with high-tech devices, engineering graphics, mathematical concepts, and scientific principles through engineering-design experiences. Students enrolled in this pathway will be introduced to the career choices in the engineering and technology areas and prepare for postsecondary education in one of the engineering and technology fields.

The second pathway, Construction, is in the Architecture and Construction Career Cluster. The pathway will build upon current dual enrollment career and technical

program areas within the Architecture and Construction Cluster with a focus on Green career awareness and training.

The third pathway will focus on the Food Production and Processing Systems from the Agriculture, Food, and Natural Resources (AFNR) Cluster. Carroll County Public Schools (CCPS) will make its Agriculture Research Farm available to other partners in the Academy to conduct independent research and replicate projects already underway at the facility.

The Blue Ridge Crossroads Governor's Academy for Technical Education (BRCGATE) is conceptualized from a planning partnership that consists of Carroll County Public Schools, Galax City Public Schools, Grayson County Public Schools, the Crossroads Institute, Wytheville Community College, Virginia Tech, Virginia Cooperative Extension Agency, New River/Mt. Rogers Workforce Investment Board, Chestnut Creek School of the Arts, and the following businesses: Red Hill General Store, The Turman Group, Lowe's Home Improvement, and future partners: Radford University, Medfit Systems, Professional Networks, Guardian, and MOOG Industries. This partnership represents the educational and economic interests of the region with consideration for possible future expansion to Wythe, Bland, Patrick, and Pulaski counties.

Mr. Johnson made a motion to accept for first review the proposal to establish the Blue Ridge Crossroads Governor's Academy for Technical Education. The motion was seconded by Dr. McLaughlin and carried unanimously.

First Review of the Proposed Amendments to the Guidelines for Considering and Approving Requests for Pre-Labor Day Openings to Comport with HB 1483 and HB 1885 Passed by the 2011 General Assembly

Mrs. Anne Wescott presented this item. Mrs. Wescott said that Section 22.1-79.1, *Code of Virginia*, provides that each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. However, the *Code* further provides that the Virginia Board of Education may waive this requirement if one of the three "good cause" provisions has been met. HB 1483, passed by the 2011 General Assembly and signed by the Governor, adds a fourth "good cause" provision, which permits a school division to open before Labor Day if it is entirely surrounded by a school division with a waiver to open prior to Labor Day.

Mrs. Wescott said HB 1885, passed by the 2011 General Assembly and signed by the Governor, updates and repeals several sections of the *Code* containing outdated language. It amends § 22.1-79.1 to replace the term "the electronic classroom" with the "Virtual Virginia," which is the current name of the Virginia Department of Education's distance learning program that offers online Advanced Placement, world language, core academic, and elective courses to students across the Commonwealth.

Mrs. Wescott said that three changes are proposed:

- Language is added to set forth the requirements to request a waiver if the school division is completely surrounded by a school division that has been granted a waiver to begin before Labor Day. To request initial approval of a waiver to open before Labor Day by a school division that is completely surrounded by another school division that has been approved for a waiver, the school division shall submit the request to the Superintendent of Public Instruction by letter signed by the superintendent and the chairman of the local school board. The Superintendent of Public Instruction shall determine that the school division is completely surrounded by another school division, and that the other school division has been granted a waiver to open before Labor Day. Once the initial waiver is granted, the local school board shall submit information annually to the Superintendent of Public Instruction indicating that the conditions under which a waiver was granted have not changed.
- Instead of being embedded in a resolution, the provisions are set forth as Board guidelines consistent with other Board guidelines. The guidelines are reorganized and revised for clarity.
- Language from the Standards of Accreditation, related to experimental and innovative programs, which was referenced in the 1999 resolution, but was not actually included in the resolution, is added for clarity. The language says:

The experimental or innovative program must be approved by the Board pursuant to its *Regulations Establishing Standards for Accrediting Public Schools in Virginia* 8 VAC 20-131-290, which specifies that the request must include:

- 1) Purpose and objectives of the experimental/innovative programs;
- 2) Description and duration of the programs;
- 3) Anticipated outcomes;
- 4) Number of students affected;
- 5) Evaluation procedures; and
- 6) Mechanisms for measuring goals, objectives, and student academic achievement.

Mrs. Sears asked how many reports are teachers requested to respond to because this takes time away from their students. Mrs. Wescott replied that she will follow up with Mrs. Sears with an answer to her question.

Dr. McLaughlin made a motion to accept for first review the proposed guidelines. The motion was seconded by Mr. Johnson and carried unanimously.

First Review of Proposed Guidelines for Local Textbook Approval

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that on March 24, 2011, the Virginia Board of Education adopted a revised state textbook review process that places primary responsibility on publishers to ensure the

accuracy of their textbooks. A publisher must: 1) certify that textbooks it has submitted for review have been thoroughly examined for content accuracy; and 2) agree that if factual or editing errors are identified, it will submit a corrective action plan to the Department of Education for review and approval by the Board of Education or by the superintendent of public instruction for plans not involving significant errors.

The proposed *Guidelines for Local Textbook Approval* has been developed to assist school divisions as they review and approve textbooks at the local level. Elements of the process used to review textbooks at the state level, particularly as they relate to interaction with textbook publishers, may be of benefit to school divisions.

The proposed *Guidelines* provide a brief summary of the Board of Education's textbook review process that was adopted on March 24, 2011. They encourage local school boards that opt to use a textbook that has not been approved by the Board of Education to conduct a local textbook review that includes components similar to the state level review. Such components include a correlation with the Standards of Learning for the particular subject area and a review of strengths and weaknesses in instructional planning and support. Additionally, the publisher of the textbook should certify the accuracy of the content of the textbook and sign an agreement to correct all factual and editing errors found in a textbook, at its expense. Finally, the publisher should certify that the books meet other requirements of the *Code of Virginia* related to textbooks.

The *Guidelines* also apprise school divisions of other requirements related to local textbook selection and approval, including:

- Local school boards may use printed textbooks, printed textbooks with electronic files, electronic textbooks separate and apart from printed versions of the same textbook, or any combination of the three forms listed above.
- Local school boards may purchase textbooks approved by the Board of Education directly from the publishers of the textbooks using either a contract or a purchase order, and these purchases are exempt from the *Virginia Public Procurement Act*.
- If a local school board wishes to purchase textbooks that have not been approved by the Board of Education, it must adhere to the requirements of the *Virginia Public Procurement Act*.
- Local school boards must certify annually to the Department of Education that:
 - All textbooks were selected and purchased in accordance with the Board's regulations; and
 - The price paid for each textbook did not exceed the lowest wholesale price at which the textbook involved in the contract was currently bid under contract in the United States, in accordance with § 22.1-241 of the *Code of Virginia*.

Mr. Foster asked staff to move these regulations as soon as possible from the guidelines phase to the regulation phase so something substantially similar is required from local school boards. Dr. Wright said that it is staff's intent to ask the Board to adopt the guidelines to get them out quickly and to recommend regulations incorporating the guidelines

as soon as the pending regulations are approved. Dr. Wright said that staff will bring the NOIRA back for the Board to open up the regulatory process.

Dr. Cannaday made a motion to accept for first review the proposed *Guidelines for Local Textbook Approval*. The motion was seconded by Dr. McLaughlin and carried unanimously

First Review of Recommended Cut Scores for the Virginia Alternate Assessment Program for History and Writing

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Dr. Loving-Ryder said the Virginia Alternate Assessment Program (VAAP) is intended to assess the achievement of students with significant cognitive disabilities who are unable to participate in the Standards of Learning (SOL) assessment program even with accommodations. A compilation of student work called a Collection of Evidence is prepared for students participating in the alternate assessment program. The VAAP, which is required by the federal *Individuals with Disabilities Education Improvement Act of 2004* (IDEIA), was first administered in the 2000-2001 school year. VAAP was revised for the 2006-2007 school year based on guidance received from the United States Department of Education as part of the peer review process required under the *No Child Left Behind Act of 2001*, and cut scores were adopted by the Virginia Board of Education for mathematics, reading, science, and history.

In 2010-2011 writing was added to the required subject areas to be included in Collections of Evidence for students in grades 5, 8 and high school. This addition was based on the IDEIA requirement that students with disabilities be assessed in the same content areas as their non-disabled peers. In addition, in 2010-2011, the history SOL revised in 2008 were implemented in VAAP. As a part of this implementation, VAAP Collections of Evidence for history for the 2010-2011 school year were prepared using new Aligned Standards of Learning based on the revised 2008 history SOL but reduced in complexity. In early June 2011 committees of special educators were convened to review VAAP Collections of Evidence for writing and history and to recommend cut scores for pass/proficient and pass/advanced to the Virginia Board of Education.

During the discussion of this item, several members expressed concern about the time schedule for adopting the VAAP cut scores. The Board asked Dr. Wright to study this matter and to present her recommendations for the adoption schedule for future years. Mr. Foster and Mrs. Sears expressed their concern about the recommendation to waive the first review of this item.

Mrs. Beamer made a motion to waive first review and adopt cut scores for the achievement levels of pass/proficient and pass/advanced for the VAAP in writing and history/social sciences for students in grades 3 through 5, 6 through 8, and 9 through 12 as follows so that scores can be reported and that Adequate Yearly Progress can be calculated

without delay. The motion was seconded by Mr. Foster. The motion was passed by seven “yes” votes and one “no” vote. Mr. Foster voted “no.”

The recommended cut scores are as follows:

VAAP Writing

- Grade 5: 4/8 for pass/proficient as recommended by the Articulation Committee and 7/8 for pass/advanced to ensure adequate rigor in the expectations for a pass/advanced score
- Grade 8: 4/8 for pass/proficient as recommended by the Articulation Committee and 7/8 for pass/advanced to ensure adequate rigor in the expectations for a pass/advanced score
- Grades 9-12: 4/8 for pass/proficient as recommended by the Articulation Committee and 7/8 for pass/advanced to ensure adequate rigor in the expectations for a pass/advanced score

VAAP History

- Grades 3-5: 9/16 for pass/proficient as recommended by the Articulation Committee and 15/16 for pass/advanced to ensure adequate rigor in the expectations for a pass/advanced score
- Grades 6-8: 9/16 for pass/proficient as recommended by the Articulation Committee and 15/16 for pass/advanced to ensure adequate rigor in the expectations for a pass/advanced score
- Grades 9-12: 9/16 for pass/proficient as recommended by the Articulation Committee and 15/16 for pass/advanced to ensure adequate rigor in the expectations for a pass/advanced score

First Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: Advisory Committee on Adult Education and Literacy, State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, and the Advisory Board on Teacher Education and Licensure

Dr. Margaret Roberts, executive assistant to the Board of Education, presented this item. Dr. Roberts said that the Board of Education’s advisory committees have vacancies for the three-year term of July 2011 to June 2014. Two of the Board’s advisory committees require specific categories for membership. The categories are set by the *Code of Virginia* or by state or federal regulation. In addition, the Board’s bylaws permit persons to be reappointed to a second term.

Superintendent’s Memorandum number 133-11 dated May 13, 2011, announced the call for nominations to fill the current advisory committee vacancies. The call for nominations was sent to public school principals, statewide education organizations, interest groups, advocates, and individuals who had expressed interest. This information was also posted on the Department of Education’s Web site. The deadline for submission was June 3, 2011.

Mr. Johnson made a motion to waive first review and adopt the list of nominees recommended for appointment to Board of Education advisory committees for the 2011-2014 term. The motion was seconded by Mrs. Beamer and carried unanimously.

The list of nominees recommended for appointment or reappointment to the 2011-2014 term is as follows:

Advisory Board on Teacher Education and Licensure

Ms. Nancy M. Moga, Principal, Callaghan Elementary School, Alleghany County Public Schools: At-Large Member (School Principal)

Mr. Vern Williams, Teacher (Mathematics), Longfellow Middle School, Fairfax County Public Schools: Classroom Teacher (Middle)

Mr. Kenneth W. LaLonde, Director of Human Resources, Manassas City Public Schools: Personnel Administration

Dr. Brian K. Matney, Principal, Frank W. Cox High School, Virginia Beach City Public Schools: School Principal

Mr. Jaim L. Foster, Teacher, K. W. Barrett Elementary School, Arlington County Public Schools: Classroom Teacher (Elementary): Reappointment

Mrs. Charlotte B. Hayer, Teacher, Armstrong High School, Richmond City Public Schools: Classroom Teacher (Career and Technical Education): Reappointment

Mrs. Debra C. Abadie, Virginia PTA, Newport News, Virginia: Parent/Teacher Association: Reappointment

State Special Education Advisory Committee

Mrs. Christy Evanko, Representing Parents, Region I

Mr. Mike Carrasco, Representing Parents, Region IV

Mr. Darren Minarik, Representing Institutions of Higher Education (IHE)

Ms. Jusolyn Bradshaw, Representing the Virginia Department of Corrections

Mr. Adam Amick, Representing Persons with a Disability

Mrs. Eva Aikens, Representing Parents Region VI (Reappointment)

Ms. Fran Goforth, Gloucester County, Representing Local Special Education Directors (Reappointment)

Ms. Jennifer O'Berry-Ham, Representing Private Schools (Reappointment)

(Nomination for the representative of Foster Care Services remains open)

Advisory Committee on Adult Education and Literacy

Dr. Marcia Gail Derrick, Professor and Associate Dean, School of Education, Regent University

Mr. E. Denton Sisk, Director, Alternative Educational Services, Campbell County Public Schools

Ms. Mary Elizabeth White, Proprietor, Law Office of Mary Elizabeth White, Fredericksburg

Mr. Rodney Caulkins, Proprietor, Caulkins Construction, Inc., Manassas Park

Career and Technical Education Advisory Committee

Mr. Ronnie G. Gill, Vice President/Regional Lending Manager-Colonial Farm Credit Tappahannock; Representing: Agriculture, Food & Natural Resources, Region III

Ms. Jane G. Watkins, President/CEO, Virginia Credit Union, Richmond; Representing: Finance, Region I

Mr. Daniel R. Woodley, Senior Leasing Associate/Director Emeritus of the Restaurant Association of Washington, D.C., Alexandria; Representing: Restaurant & Hospitality Industry, Region IV

Dr. Alan Hawthorne, Executive Director, Joint Industrial Development Authority of Wythe County, Rural Retreat; Representing: Economic Development, Region VII (Reappointment)

Byron K. Hinton, Stafford County CTE Advisory Committee/Retired U.S. Air Force, Fredericksburg; Representing Military Services (JOTC), Region III (Reappointment)

Dr. Virginia R. Jones, Director, Instructional Design & Technology, Ferrum College, Ferrum ; Representing: Higher Education, Region VI (Reappointment)

Mr. Jerry Stewart, Workforce Development Coordinator, Virginia Beach Economic Development, Virginia Beach; Representing: Workforce Development, Region II (Reappointment)

Virginia Advisory Committee for the Education of the Gifted

Mrs. Beth Andersen, AP and Gifted Resource Teacher, Prince George Public Schools

Dr. Joanne R. Funk, Teacher Specialist, Gifted Education, Norfolk Public Schools

Ms. Carol Kennedy-Dickens, IB Lead Teacher, Suffolk Public Schools

Mr. Chiraag S. Khemlani, Senior Consultant, Booz Allen Hamilton, Alexandria

Ms. Rebecca L. Akers, Reading Specialist, Brunswick County Public Schools (Reappointment)

First Review of Proposed Revised Guidelines and Standards of Learning for Family Life Education as Required by the 2011 General Assembly

Dr. Cynthia Cave, director of student services, presented this item. Dr. Cave said that the Family Life Education requirements of the Board of Education were first enacted in 1987 by the General Assembly. In 1988, the Board of Education prepared a document that included Standards of Learning (SOL) objectives and descriptive statements, guidelines for training individuals who will be teaching family life education, and guidelines for parent/community involvement. The 1988 guidelines were revised in 2002 to include the requirements of House Bill 1206 (benefits of adoption), in 2004 to include the requirements of House Bill 1015 (sexual assault), in 2007 to include House Bill 1916 (dating violence and the characteristics of abusive relationships), and again in 2008 to include Senate Bill 640 (mental health education and awareness). In 2009 House Bill 1746 (Pogge) and Senate Bill 827 (Smith) amended § 22.1-207.1 of the *Code of Virginia* to require that “the benefits, challenges, responsibilities, and value of marriage for men, women, and children, and communities” be included. Also, House Bill 1980 (McClellan) amended § 22.1-207.2 of the

Code to require all school divisions to provide a summary of the Family Life Education program to the parents and guardians of students participating.

A technical review of the *Guidelines and Standards of Learning for Family Life Education* was conducted in November of 2010 by a team of Family Life Education professionals. Nursing, education and public health representatives from the University of Virginia, Virginia Commonwealth University and George Mason University formed the team. Technical edits have been made to the standards to conform to current terminology.

The revised *Guidelines and Standards of Learning for Family Life Education* are in compliance with the 2011 legislation. Many of the current descriptive statements supporting the standards objectives reflect the legislative requirements. Others have been amended to meet the law. The standards that were revised to comply with the 2011 legislation are listed below.

Grade Level	Amended Standards of Learning Descriptive Statements	Page
Seventh Grade	7.3, 7.4	28
Eighth Grade	8.5, 8.13	31-32
Tenth Grade	10.7	37

Mr. Foster made a motion to accept for first review the revised curriculum guidelines and standards regarding Family Life Education. The motion was seconded by Mr. Krupicka and carried unanimously.

Report on History and Social Science Textbooks Published by Five Ponds Press

Dr. Linda Wallinger presented this item. Dr. Wallinger said that on March 24, 2011, the Virginia Board of Education took action to remove two textbooks published by Five Ponds Press, Inc., *Our Virginia: Past and Present* (1st edition) and *Our America to 1865* (1st edition), from its approved textbook list. The Board also directed that if Five Ponds Press submitted for review the second edition of the same textbooks, the Department of Education was to conduct an expedited review “in accordance with the terms of the Board’s newly-adopted textbook review process” and bring to the Board a recommendation regarding approval of the replacement editions. Finally, the Board requested a corrective action plan from Five Ponds Press in response to reviews of its history and social science textbooks for kindergarten through grade three: *Our World Let’s Go!*, *Our World Then & Now*, *Our World Near & Far*, and *Our World Far & Wide*. As part of the revised textbook approval process, also adopted in March 2011, the Board delegated the approval of corrective action plans not involving significant errors to the Superintendent of Public Instruction.

On May 27, 2011, the Superintendent of Public Instruction approved on behalf of the Board of Education the corrective action plan that Five Ponds Press submitted.

The plan contains three components:

- Errata sheets for three of the four books, noting items to be changed in the next printing, and to be changed online by June 15, 2011 (An errata sheet for the first-grade book, *Our World Then & Now*, was not required);
- Information that will not be included on the errata sheets, but will be changed in the next printing and changed online by June 15, 2011; and
- Responses to comments and suggestions made by the reviewers that did not require further changes.

Five Ponds Press has indicated that it is working on new editions of its textbooks for Virginia Studies and U.S. History I, *Our Virginia: Past and Present* and *Our America to 1865*, respectively. The terms of the revised textbook approval process require that when a publisher submits textbooks for review, it must: 1) certify that textbooks they have submitted for review have been thoroughly examined for content accuracy; and 2) agree that if factual or editing errors are identified, the publisher will submit a corrective action plan to the Department of Education for review and approval by the Board of Education or the superintendent of public instruction if so delegated by the Board. Additionally, the publisher must provide correlations to the Standards of Learning for the particular course for the textbooks.

In an effort to expedite the review process, the Department has agreed that if Five Ponds Press submits revised editions of the two textbooks, a printout of a PDF file for each of the books will suffice for review purposes rather than requiring the publisher to produce proof copies. The Department has indicated to Five Ponds Press that in order for textbooks to be considered for review and approval for use early in the 2011-2012 school year, it would need to receive the printouts by June 27, 2011, so that committee members have sufficient time to conduct their review.

In accord with the textbook approval process, the Department will convene a review committee comprised of, at a minimum, a teacher, a division-level content specialist, and a subject-matter expert. These individuals will have approximately two weeks to review the textbooks and provide comment. The publisher would then have four to five days to respond to the comments and resolve any issues. Finally, Department of Education staff would have one to two days to prepare the materials before they must be posted publicly on July 22, 2011, prior to the Board meeting on July 28, 2011.

The 30-day public comment period would begin following the Board meeting on July 28, 2011, and extend through August 27, 2011. The Department would then bring a recommendation regarding the two textbooks to the Board of Education for final review on September 22, 2011.

The Board received the report.

Report on the Advisory Committee on Adult Education and Literacy Discussion Regarding GED Testing Changes

Mr. Randall Stamper, director, Adult Education and Literacy, and Dr. Thomas Brewster, deputy superintendent, Pulaski County Public Schools and chair of the Advisory Committee on Adult Education and Literacy, presented this item. The presentation included the following:

The GED is a nationally standardized test that measures the academic skills and knowledge of a four-year high school curriculum in five core content areas--language arts/writing, mathematics, language arts/reading, social studies and science. The GED Testing Service (GEDTS) is an arm of the American Council on Education (ACE). It develops, owns and administers the tests through contracted test centers in each state. Each state is allowed to select its own requirements or limitations for GED candidates as long as the rules adhere to minimum requirements set by GEDTS. Each state sets the fee it wishes to charge to participants for taking the GED tests.

There are currently 82 GED testing centers and more than 200 addendum sites in Virginia. Approximately 30,000 GED tests are taken in Virginia each year.

Section 22.1-254.2 of the *Code of Virginia* requires the Board of Education to “establish a program of testing for general educational development (GED) through which persons may earn a high school equivalency certificate or a diploma as provided in subsection F of § 22.1-253.13:4.”

Section 22.1-253.13:4:F of the *Code of Virginia* states:

F. The Board shall establish, by regulation, requirements for the award of a general achievement diploma for those persons who have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (iii) satisfied other requirements as may be established by the Board for the award of such diploma.

The Board of Education has promulgated the *Regulations Governing General Educational Development Certificates* [8 VAC 20 - 360], effective in March 2005. The regulations contain provisions that govern eligibility and retesting of participants.

VDOE provides grants to testing centers to offset costs of GED preparation and test taking, and establishing fee structures has always been considered part of grants and program administration. As neither the Board of Education nor the Superintendent of Public Instruction have specified authority for setting fees in the *Code of Virginia* or in regulation, without guidance, testing centers could set their own fee structures. The Superintendent of Public Instruction has been providing guidance to GED testing centers about GED fees to try to ensure that the fees don't exceed the cost of the tests.

ACE, which owns the GED test, recently announced that changes are being made in the GED test program and that fees charged for each test will increase. ACE has informed the states that changes in the cost, content, and delivery of the GED Tests are going to be made over the next three years. The changes are significant and will have an impact on the programs, participating agencies and testing centers, GED teachers and staff, and fees paid by test-takers.

Dr. Cannaday made a motion to receive the report of the Advisory Committee on Adult Education and Literacy. The motion was seconded by Mrs. Sears and carried unanimously.

DISCUSSION OF CURRENT ISSUES

Mr. Krupicka noted that USDOE has indicated that the new Race to the Top competition will have an intense focus on early childhood education and what states can do to raise the bar for early childhood education and set examples for others in the country. Virginia is in a position to be very competitive in that process. He encouraged the Board to look at this as an opportunity to meet one of their early childhood objectives to make early childhood education an important part of our educational strategies as a state and look at it as an opportunity to do something unique that could make an impact in Virginia.

Mr. Krupicka also stated his interest in a discussion in the next few months to develop a process to engage superintendents and teachers into a broader conversation about the future of our testing in five or ten years in terms of where it is going and how we expect it to evolve over that period of time. There is value in us as a state having a larger conversation over what will happen in the next decade as it relates to testing especially given that we know there will be some new national tests.

Mrs. Sears expressed her concern that teachers have children in their classrooms that have just moved to the United States and speak no English and that child has to take the SOL test which counts towards the school's AYP. This is required by the *No Child Left Behind Act* (NCLB). Mrs. Sears asked about the reports requested from the teachers which take up valuable class time and other work requirements that would be better left for teachers to educate the children. Again, these reports are a requirement of NCLB. She asked if something could be done to limit these reporting requirements. Dr. Cannaday stated that multiple letters have been sent by senators and governors from both parties and the congressional delegation has been engaged. Mrs. Sears asked for a copy of any letters that have been sent.

Dr. Wright responded that the letters are on record in our Accountability Workbook. We are working through our congressional delegation and the Governor's office. It is appropriate for the Virginia Board of Education to take the position but right now it is hard to know what to take the position on because there are different points of view about what the reauthorization should look like. Dr. Wright is working through the Council of Chief State School Officers. Secretary Duncan is suggesting to Congress that if there is not a reauthorization he will provide regulatory relief but we do not know what the conditions will be in order for states to receive regulatory relief.

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Mrs. Beamer, Dr. Cannaday, Mr. Foster, Mr. Johnson, Dr. McLaughlin, Mrs. Sears and Mrs. Saslaw. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

ADJOURNMENT OF BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Mrs. Saslaw adjourned the meeting at 1:03 p.m.

President